

AMENDMENTS TO THE DRAWINGS

Please amend FIG. 4 as shown in the attached Replacement Sheet. The amended FIG. 4 replaces the first entry corresponding to customer-4 in Table 3 ("offer-1") with "offer-2."

REMARKS

In the Office Action, the Examiner has rejected claims 7-27. More specifically:

- Claim 23 was rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement;
- Claims 20 and 23 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention;
- Claims 7-12, 18 and 20-27 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2003/0208754 (Sridhar);
- Claims 13-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sridhar in view of U.S. Patent No. 6,684,195 (Deaton); and
- Claim 19 was rejected under 35 U.S.C. §103(a) as being unpatentable over Sridhar.

Claims 10 and 20 have been amended. No new matter has been added as a result of these amendments. Upon entry of these amendments, claims 7-27 remain pending. For the reasons set forth hereinbelow, Applicants request that the §§112, 102(e) and 103(a) rejections associated with the pending claims be withdrawn.

Claims 7-17 and 23-27

The Examiner states that the limitation “identifying the highest score in said plurality of scores and identifying the customers substantially scoring the highest score” of claim 23 is not disclosed in the specification and that the Applicants fail to point out and distinctly claim the subject matter of their invention. However, Applicants maintain that this limitation is taught in the specification on page 14 which states, “The Customer-Based targeting of Table 3 in FIG. 4 is obtained by selecting from the same probability matrix of FIG. 3 the two promotional offers of highest probability for each customer.” Specification, 14:3-5. As such, a highest score is selected and a customer is identified for the highest score. Applicants respectfully request that the rejections to claim 23 under §112, first and second paragraphs, be withdrawn for at least this reason.

Applicants further submit that independent claim 23 is not anticipated by Sridhar because Sridhar fails to teach or suggest each and every limitation of independent claim 23. See MPEP §2131 (stating that a claim is anticipated only if each and every element as set forth in the claim

is found, either expressly or inherently described, in the single prior art reference). More particularly, Applicants submit that Sridhar fails to teach or suggest, among other things, “assigning to the personalized list for each said identified customer the offers associated with said highest score which satisfy said one or more constraints,” as recited in claim 23.

Sridhar teaches an advertisement system that provides subscribers with advertisements. The Examiner states that Sridhar teaches drawing a customer’s attention to a product that has the largest purchase prediction for the customer and drawing an ad from a set of ads pre-selected for the customer where ads are delivered to the customer in sequence from the products associated with a selected event. *See* Sridhar, paragraphs 106, 156 and 169-170.

Sridhar does not teach selecting offers associated with a highest score that “satisfy one or more constraints.” Claim 23 further states that the one or more constraints are “on the quantity of promotional offers to be distributed and/or on the selection of the customers to whom promotional offers are to be distributed.” Sridhar does not teach the use of such constraints.

As such, Applicants submit that claim 23 is allowable over the Examiner-cited prior art. *See* MPEP §2131. Because claims 7-17 and 24-27 depend from and incorporate all of the limitations of claim 23, claims 7-17 and 24-27 are likewise allowable over the Examiner-cited prior art. Accordingly, Applicants request that the §§102(e) and 103(a) rejections associated with claims 7-17 and 23-27 be withdrawn.

Claim 18 and 19

Applicants submit that independent claim 18 is not anticipated by Sridhar because Sridhar fails to teach or suggest each and every limitation of independent claim 18. *See* MPEP §2131. More particularly, Applicants submit that Sridhar fails to teach or suggest, among other things, “presenting the measures of acceptance probabilities for an individual customer in a graphical display on said electronic system,” as recited in claim 18.

The Examiner states that Sridhar teaches such a graphical display that presents measures of acceptance probabilities for an individual customer in Figure 7. However, nothing in Figure 7 presents a measure of any probability on a graphical display. Figure 7 merely depicts “information available for the viewing of the subscriber,” Sridhar, paragraph 236. The information is not a measure of an acceptance probability, but rather consists of raw data. In

contrast, claim 18 requires, "presenting the measures of acceptance probabilities for an individual customer in a graphical display on said electronic system."

As such, Applicants submit that claim 18 is allowable over the Examiner-cited prior art. See MPEP §2131. Because claim 19 depends from and incorporates all of the limitations of claim 18, claim 19 is likewise allowable over the Examiner-cited prior art. Accordingly, Applicants request that the §§102(e) and 103(a) rejections associated with claims 18 and 19 be withdrawn.

Claims 20-22

Applicants have amended claim 20 to overcome the Examiner's rejections under §112, second paragraph. Applicants have amended the language of claim 20 to remove reference to a "database customer." Applicants respectfully request that the rejections to claim 20 under §112, second paragraph, be withdrawn for at least this reason.

Applicants further submit that independent claim 20 is not anticipated by Sridhar because Sridhar fails to teach or suggest each and every limitation of independent claim 20. See MPEP §2131. More particularly, Applicants submit that Sridhar fails to teach or suggest, among other things, "selecting for distribution to each customer the offers associated with the highest estimated probability which satisfy one or more constraints," as recited in claim 20.

For substantially the same reasons stated above in reference to claim 23, Applicants submit that claim 20 is likewise allowable over the Examiner-cited prior art. See MPEP §2131. Because claims 21 and 22 depend from and incorporate all of the limitations of claim 20, claims 21 and 22 are likewise allowable over the Examiner-cited prior art. Accordingly, Applicants request that the §102(e) rejection associated with claims 20-22 be withdrawn.

All of the stated grounds of rejection have been properly traversed, accommodated or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. There being no other rejections, Applicants respectfully request that the current application be allowed and passed to issue.

If the Examiner believes for any reason that personal communication will expedite prosecution of this application, I invite the Examiner to telephone me directly.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for this Amendment and Response, or credit any overpayment, to deposit account no. 03-0426.

Respectfully submitted,
PEPPER HAMILTON LLP


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Joseph T. Helmsen
Reg. No. 54,163

Pepper Hamilton LLP
One Mellon Center, 50th Floor
500 Grant Street
Pittsburgh, PA 15219
Telephone: 412.454.5000
Facsimile: 412.281.0717
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